

PATENT**D4701-00198****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Von der Geest et al.**Examiner: **Benjamin Lee William**Serial No.: **10/016,905**Group Art Unit: **3714**Filed: **December 14, 2001**Confirmation No.: **9583**For: **Method and System for Developing Teaching and Leadership Characteristics and Skills**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENT TO DECLARATION OF NAMED INVENTORS UNDER 37 CFR 1.131
SUBMITTED TO USPTO ON OCTOBER 19, 2007

1. I, Stephen Lams, the undersigned, am one of the named true inventors (hereinafter, the "inventors" or "we") of the subject matter disclosed in U.S. Patent Application Serial No. 10/016,905 (the "'905 Application"), filed December 14, 2001, entitled "Method and System for Developing Teaching and Leadership Characteristics and Skills," which is assigned to Hay Acquisition Company I, Inc. ("Hay").

2. We submitted a Declaration to the United States Patent Office under 37 C.F.R. 1.131 (hereinafter, the "Declaration") to swear behind U.S. Patent No. 6,766,319 to Might, which has a United States effective filing date of October 31, 2000 and which was relied upon by the Examiner in an Official Action dated April 20, 2007 in rejecting pending claims 1-29, 31-52 and 70-75.

3. We submitted the Declaration to show that our invention claimed in now pending claims 1-8, 10, 12-15, 17-22, 24-29, 31-40, 42-52 and 70-75 (hereinafter, the "claims") was reduced to practice no later than January 29, 2001.

4. We also submitted the Declaration to show that we conceived of our invention claimed in the claims prior to the October 31, 2000 date of Might and worked diligently to reduce it to practice.

5. I understand that the Patent Office has now issued a final rejection of the claims in an Action dated January 25, 2008. I understand that the Examiner again relies on Might in rejecting the claims.

6. I understand from the Action that the Examiner agrees that the Declaration established the requisite conception and diligence necessary to swear behind the Might reference. I also understand that the Examiner did not agree that the Declaration established reduction to practice no later than the asserted January 29, 2001 date.

7. In reaching this conclusion, I understand that the Examiner relies on the following statement from my email set forth in Exhibit PP: "The challenge ahead is still a pretty hefty one (i.e. finishing off all the theory, feedback, and then all the time 2 stuff), so we'll need to keep focused on what's left – so expect my usual barrage of Word documents and phone calls..."

8. I understand that from the quoted statement set forth in Paragraph 7 above, the Examiner concludes, "In particular, the 'feedback' function/feature is suggested to be incomplete by Exhibit PP" and that this "feedback function/feature" is necessary for the claim limitations set forth in the claims relating to providing "model data" and "evaluation data".

9. I also understand that the Examiner believes Screen Shot 11 of Exhibit B to the Declaration "further suggests that work on the feedback function/feature is incomplete" since the screen shot was taken from a private domain URL.

10. I understand that the Examiner ultimately concluded that the Declaration did not show that the Transforming Learning Product (the "Product") released by January 29, 2001 worked for its intended purpose.

11. I present this Supplement to the Declaration to explain my comments set forth in Exhibit PP and to reconfirm that the Transforming Learning Product released no later than

January 29, 2001 included all of the features set forth in the claims and discussed in the Declaration and that it worked for its intended purpose.

12. The "challenges" to which I referred in my January 29, 2001 email (Exhibit PP) did not relate to any of the features of the claims discussed in the Declaration as contained in the Product that was released by January 29, 2001.

13. By January 29, 2001, we released a working product as claimed in the claims. The two major challenges left at that time were (i) enabling users to compare feedback data from two different times, so as to allow monitoring of their progress, and (ii) developing the School Manager/Educational Advisor features, which related to aggregating data across several teachers and schools. It was these challenges that I referred to as "hefty". It is my understanding that neither of these features is claimed in the claims as now pending.

14. The term "time 2" referred to the enabling of users to compare feedback functionality described above in Paragraph 13 that we planned on adding to the next version of the Product. This functionality allows the teacher to compare his or her second set of feedback data (the "time 2" feedback) with earlier feedback data, so as to allow the teacher to monitor his or her progress. There was no need for this functionality in the initial release of the Product because no baseline feedback data for comparison could exist until the teachers used the Product. Therefore, there was no need for this feedback functionality until several months after the release of the Product. I understand that there are no claims presently pending that relate to this feedback comparison functionality. For example, I understand that claim 16 was canceled in the Reply and Amendment filed October 19, 2007.

15. My statement "finishing off all the theory" refers to providing the user access to a description of certain background research relating to the correlation between leadership or teaching characteristics and effective leadership or teaching. I understand that providing such an informational background section in the Product is not a feature of the invention that is presently claimed.

16. The terms "feedback" to which I refer in my statement "finishing off all the . . . feedback" in my email of Exhibit PP relate to various improvements and changes that we

contemplated making to the Product that are not specifically claimed in the claims. Examples of these improvements and changes include updating how we collected teachers' emotional responses while receiving feedback and the presentation of feedback dimensions in a positive, negative, positive ordering. It is my understanding that these features are not claimed in the claims as now pending.

17. I also understand that the Examiner places some reliance on screen shot 11 of Exhibit B being taken from a private URL as suggesting that that work on the feedback function/feature was incomplete. The indication of a private URL on screen shot 11 does not show that the Product released by January 29, 2001 was not complete and functional. As set forth in the Declaration, the screen shots of Exhibit B were generated from the version of the product that was released in January 2001. The Product was accessible both at the developers domain (i.e., at a private domain) and via the Internet (www.transforminglearning.com). Screen shot 11 shows a sample interface for allowing a teacher to select a dimension for prioritization as part of an Action Plan. Screen shots 13 is clearly designated with a public domain address (www.transforminglearning.com) and illustrate the development of an action plan after making a priority selection through, for example, the interface of screen shot 11. The functionality of screen shot 11 was included in the release of the Product and accessible via the public domain address.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Dated: 15/5/08


Stephen Lams